THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	
Inventor(s): David Hsing LIN	: Confirmation No. 5529
	:
U.S. Patent Application No. 10/823,845	: Group Art Unit: 2166
	:
Filed: April 14, 2004	: Examiner: Navneet K. Ahluwalia
For: METHOD AND APPARATUS FOR MULTI-PROCESS ACCESS TO A LINKED-LIST	

Commissioner for Patents
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Alexandria, VA 22313-1450

Attn: BOARD OF PATENT APPEALS AND INTERFERENCES

Apellants Reply Brief (37 CFR 1.192)

Appellant submits this Reply Brief in response to the Examiner's Answer mailed November 28, 2007.

To the extent necessary, Appellant hereby requests any required extension of time under 37 C.F.R. §1.136 and hereby authorizes the Commissioner to charge any required fees not otherwise provided for to Deposit Account No. 08-2025.

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I. Status of Claims

A. Total Number of Claims in Application

There is a total of 22 claims in the application, which are identified as claims 1-22.

B. Status of all the Claims

Claims 1-22 are pending.

Claims 1-22 are rejected.

C. Claims on Appeal

Claims on appeal are claims 1-22.

II. Grounds of Rejection to be Reviewed on Appeal

A. The issue is whether claims 1-22 are unpatentable under 35 U.S.C 102(e) as being unpatentable over *Gao et al*. (US 6,898,650).

III. Argument

A. Was the PTO correct in rejecting claims 1-22 under 35 U.S.C. 102(e) as being unpatentable over *Gao*?

Claim 1

The rejection of claims 1-22 as being unpatentable over *Gao* is still believed to be incorrect and traversal thereof is hereby maintained.

The Patent and Trademark Office (PTO) continues to assert that claims 1-22 are anticipated under 35 USC 102(e) by *Gao et al*. (US 6,898,650).

First, the PTO asserts that *Gao*, at column 3, lines 39-47 and Fig. 3, discloses the claimed limitation without identifying any disclosure in *Gao* of at least "encountering a breakpoint." Therefore Gao still fails to disclose marking a subsequent element in a list as in-use after encountering a breakpoint. For at least this reason, reversal of the rejection is respectfully requested.

Further, according to *Gao* at column 4, lines 36-40 and 62-67, a client attempts to set in-use flag 310 using an atomic set and swap operation "to try to lock the container," "so that no other client can use the container." Thus, the in-use flag of *Gao* does not appear to be marked after encountering a breakpoint. Nor do Figures 5A or 5B disclose a breakpoint being encountered, contrary to the PTO assertions. Neither the Figures nor the cited text recite a breakpoint being encountered or an equivalent thereof. For at least this reason, reversal of the rejection is respectfully requested.

Second, the PTO continues to rely on column 3, lines 9-20 and lines 56-59 for the assertion that *Gao* discloses "creating a recommencement reference to a subsequent element." This remains incorrect.

As stated previously, the recited portions of *Gao* appear to describe the use of next pointer 220 to point to a queue without describing the creation of the next pointer as a reference to a subsequent element. That is, the next pointer 220 points to the

queue and is not used as a recommencement reference as in the claimed subject matter. The second of the above portions, i.e., column 3, lines 56-59, appears to describe the use of next pointer 325 of container 305 and not queue head 205 (or next pointer 220). The PTO continues to confuse two separate discussions in the reference and has not explained this discrepancy. Thus, the relied-upon portion is inapplicable with respect to the next pointer 220 identified by the PTO. For at least this reason, reversal of the rejection is respectfully requested.

Further, neither of next pointer 220 or 325 may be used as a recommencement reference as described according to the instant specification, i.e., after a first process regains control over the linked-list from a second process, the first process is able to "determine[] a subsequent element in the linked-list according to the recommencement reference that points to a subsequent element (step 55)." Instant specification at page 7, paragraph 13.

Further still, the PTO fails to specify how *Gao* discloses or suggests the "client locates a container in the queue." Instead, based on the listing of Table 14 *Gao* appears to describe traversal of the queue by following the next pointer 325 of each container 305 instead of using queue head next pointer 220 as asserted by the PTO. For at least this reason and because the PTO has not refuted the above facts, reversal of the rejection is respectfully requested.

Based on at least each of the foregoing reasons, claim 1 is patentable over *Gao* and the rejection is respectfully requested to be reversed. Claims 2-4 depend, either directly or indirectly, from claim 1, include further limitations, and are patentable over *Gao* for at least the reasons advanced above with respect to claim 1. The rejection of claims 2-4 should be reversed.

Claims 5, 7, 13, and 19

The PTO fails to address each of the facts set forth by Appellant in the Appeal Brief filed August 28, 2007 with respect to claims 5, 7, 13, and 19. For at least this reason, reversal of each of the rejections is respectfully requested.

Claim 6 depends, either directly or indirectly, from claim 5, includes further limitations, and is patentable over *Gao* for at least the reasons advanced above with respect to claim 5. The rejection of claim 6 should be reversed.

Claims 8-12 and 14-18 depend, either directly or indirectly, from claims 7 and 13, respectively, include further limitations, and are patentable over *Gao* for at least the reasons advanced above with respect to claims 7 and 13. The rejection of claims 8-12 and 14-18 should be reversed.

Claims 20-22 depend, either directly or indirectly, from claim 19, include further limitations, and are patentable over *Gao* for at least the reasons advanced above with respect to claim 19. The rejection of claims 20-22 should be reversed.

IV. Conclusion

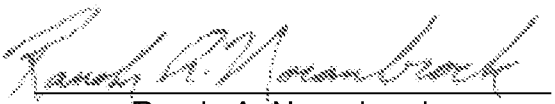
Each of the PTO's rejections has been traversed. Appellant respectfully submits that all claims on appeal are considered patentable over the applied art of record. Accordingly, reversal of the PTO's Final Rejection is believed appropriate and courteously solicited.

If for any reason this Reply Brief is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned, Appellant's attorney of record.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Reversal of the rejection is in order.

Respectfully submitted,
David Hsing LIN

By: 

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